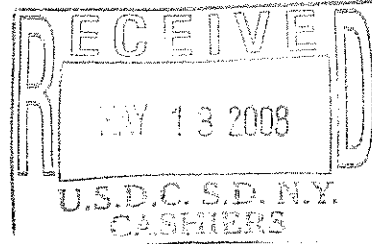


JUDGE MARREDO

08 CV 4468

**FRIEDMAN, JAMES & BUCHSBAUM LLP**

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STEVEN MANUEL,

Plaintiff,

-against-

BUCHANAN MARINE, L.P. and  
TILCON NEW YORK, INC.,

Defendants.

**PLAINTIFF DEMANDS  
A TRIAL BY JURY**

**COMPLAINT**

**SEAMAN'S CASE UNDER  
THE JONES ACT FOR  
PERSONAL INJURIES**

**Civil Action No.:**

**SUITS UNDER SPECIAL RULE FOR SEAMEN TO SUE  
WITHOUT SECURITY OR PREPAYMENT OF FEES FOR  
THE ENFORCEMENT OF THE LAWS OF THE UNITED  
STATES, COMMON AND STATUTORY FOR THE  
PROTECTION OF AND FOR THE HEALTH AND SAFETY  
OF SEAMEN AT SEA**

Plaintiff, STEVEN MANUEL, by his attorneys, FRIEDMAN, JAMES & BUCHSBAUM LLP, complaining of defendants BUCHANAN MARINE, L.P. and TILCON NEW YORK, INC. respectfully alleges upon information and belief as follows:

**FIRST COUNT  
AGAINST BUCHANAN MARINE, L.P.**

1. At all relevant times, defendant BUCHANAN MARINE, L.P. was and still is a limited partnership organized and existing pursuant to the laws of Delaware transacting business within the Southern District of New York.

2. At all times and dates hereinafter mentioned, defendant BUCHANAN MARINE, L.P. was the owner, bareboat charterer, and/or owner *pro hac vice* of the Tug DADDONA.

3. At all times and dates hereinafter mentioned, defendant BUCHANAN MARINE, L.P. operated the Tug DADDONA.

4. At all times and dates hereinafter mentioned, defendant BUCHANAN MARINE, L.P. managed the Tug DADDONA.

5. At all times and dates hereinafter mentioned, defendant BUCHANAN MARINE, L.P. controlled the Tug DADDONA.

6. At all times and dates hereinafter mentioned, the plaintiff was a member of the crew of the Tug DADDONA and an employee of defendant BUCHANAN MARINE, L.P.

7. That on or about April 23, 2008, without any fault on the part of the plaintiff, and wholly and solely by reason of the negligence, recklessness and carelessness of the defendant BUCHANAN MARINE, L.P., its agents, servants and/or employees, and by reason of the unseaworthiness of its vessel, the plaintiff was caused to sustain injuries.

8. As a result of the foregoing, the plaintiff was rendered sick, sore, lame and disabled and sustained severe and permanent personal injuries, was and is internally and externally disabled causing him to suffer pain, and for a time he was prevented from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has endeavored to be cured of his injuries,

and has expended sums of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

9. By reason of the foregoing, plaintiff has been damaged in the sum of THREE MILLION (\$3,000,000.00) DOLLARS.

**SECOND COUNT**  
**AGAINST DEFENDANT TILCON NEW YORK, INC.**

10. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 9 of this Complaint as if set forth fully at length herein.

11. At all relevant times, defendant TILCON NEW YORK, INC. was and still is a corporation organized and existing pursuant to the laws of Delaware transacting business within the Southern District of New York.

12. At all times and dates hereinafter mentioned, defendant TILCON NEW YORK, INC. was the owner, bareboat charterer, and/or owner *pro hac vice* of the Tug DADDONA.

13. At all times and dates hereinafter mentioned, defendant TILCON NEW YORK, INC. operated the Tug DADDONA.

14. At all times and dates hereinafter mentioned, defendant TILCON NEW YORK, INC. managed the Tug DADDONA.

15. At all times and dates hereinafter mentioned, defendant TILCON NEW YORK, INC. controlled the Tug DADDONA.

16. At all times and dates hereinafter mentioned, the plaintiff was a member of the crew of the Tug DADDONA and an employee and/or borrowed servant of defendant TILCON NEW YORK, INC.

17. That on or about April 23, 2008, without any fault on the part of the plaintiff, and wholly and solely by reason of the negligence, recklessness and carelessness of the defendant TILCON NEW YORK, INC., its agents, servants and/or employees, and by reason of the unseaworthiness of its vessel, the plaintiff was caused to sustain injuries.

18. As a result of the foregoing, the plaintiff was rendered sick, sore, lame and disabled and sustained severe and permanent personal injuries, was and is internally and externally disabled causing him to suffer pain, and for a time he was prevented from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has endeavored to be cured of his injuries, and has expended sums of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

19. By reason of the foregoing, plaintiff has been damaged in the sum of THREE MILLION (\$3,000,000.00) DOLLARS.

**THIRD COUNT  
AGAINST DEFENDANTS BUCHANAN  
MARINE, L.P. AND TILCON NEW YORK, INC.**

20. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 19 of this Complaint as if set forth fully at length herein.

21. Plaintiff is entitled to maintenance, cure, and medical expenses for the period that he was disabled and unable to work in the total sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS.

**WHEREFORE**, plaintiff STEVEN MANUEL demands judgment against defendant BUCHANAN MARINE, L.P. on the First Count in the amount of THREE MILLION (\$3,000,000.00) DOLLARS; against defendant TILCON NEW YORK, INC. on the Second Count in the amount of THREE MILLION (\$3,000,000.00); and against defendants BUCHANAN MARINE, L.P. and TILCON NEW YORK, INC. on the Third Count in the amount of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS; together with the costs, interest and disbursements of this action, and such other and further relief as this Court deems just and proper.

Dated: New York, New York  
May 8, 2008

**FRIEDMAN, JAMES & BUCHSBAUM LLP**  
Attorneys for Plaintiff

By:



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